

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>05-324</u>
v.	:	DATE FILED: <u>6/7/05</u>
TYREE THOMAS	:	VIOLATIONS:
a/k/a "Tyree Burno"	:	18 U.S.C. § 924(a)(1)(A)
a/k/a "Nikeaua Davis"		(Making false statements to a federal
	:	firearms licensee - 9 counts)
	:	18 U.S.C. § 922(g)(1)
		(Felon in possession of a firearm - 9
	:	counts)
	:	21 U.S.C. § 844(a)
		(Simple possession - 1 count)
	:	(Notice of forfeiture - 1 count)

INDICTMENT

COUNTS ONE THROUGH NINE

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1. Delia's Gun Shop, located at 6104 Torresdale Avenue, Philadelphia, Pennsylvania, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.

2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to

purchase a handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 contains language warning that “making any false oral or written statement, or the exhibiting of any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony.”

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth.

5. On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TYREE THOMAS,
a/k/a “Tyree Burno”
a/k/a “Nikeaua Davis”**

in connection with the acquisition of each of the firearms listed below from the FFL holder listed below, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holders’ records, in that defendant TYREE THOMAS certified on the Form 4473 that he was actually Nikeaua Davis and provided a false Pennsylvania Driver’s License in that name, and also represented that had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, when in fact, as defendant knew, these statements were false and fictitious.

Count	Date	FFL Location	Firearm	Serial Number
1	3/18/05	Delia's Gun Shop	Hi-Point CF .380 caliber pistol	P816057
2	3/19/05	Delia's Gun Shop	Taurus Model PT 745C .45 caliber pistol	NX1 20453
3	3/25/05	Delia's Gun Shop	Lama Model Minimax .45 caliber pistol	710403918
4	4/06/05	Delia's Gun Shop	Taurus Model PT 140 .40 caliber pistol	SVG35498
5	4/07/05	Delia's Gun Shop	Kel Tec Model 9-11 9mm pistol	A2681
	4/07/05	Delia's Gun Shop	Kel Tec Model 9-11 9mm pistol	A20E76
	4/08/05	Delia's Gun Shop	Heritage Model Stealth .40 caliber pistol	B04266
	4/08/05	Delia's Gun Shop	Star Model PD .45 caliber pistol	1945428
	4/08/05	Delia's Gun Shop	EAA Model P 9mm pistol	EA02052
	4/09/05	Delia's Gun Shop	Smith and Wesson Model 5904 9mm pistol	TDD 4448
	4/12/05	Delia's Gun Shop	Kel Tec 9mm pistol	A1F60
	4/12/05	Delia's Gun Shop	Kel Tec 9mm pistol	A1F67
	4/12/05	Delia's Gun Shop	Smith & Wesson 9mm pistol	TES3665

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNTS TEN THROUGH EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TYREE THOMAS,
a/k/a “Tyree Burno”
a/k/a “Nikeaua Davis”**

having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce fourteen firearms, that is:

- (1) 3/18/05 - Hi-Point CF .380 caliber pistol, Ser. No. P816057
- (2) 3/19/05 - Taurus Model PT 745C .45 caliber pistol, Ser. No. NX1 20453
- (3) 3/25/05 - Lama Model Minimax .45 caliber pistol, Ser. No. 710403918
- (4) 4/06/05 - Taurus Model PT 140 .40 caliber pistol, Ser. No. SVG35498
- (5) 4/07/05 - Hi-Point Model JHP-L .45 caliber pistol, Ser. No. X430225
- (6) 4/07/06 - Kel Tec Model 9-11 9mm pistol, Ser. No. A2681
- (7) 4/07/06 - Kel Tec Model 9-11 9mm pistol, Ser. No. A20E76
- (8) 4/08/05 - Heritage Model Stealth .40 caliber pistol, Ser. No. B04266
- (9) 4/08/05 - Star Model PD .45 caliber pistol, Ser. No. 1945428
- (10) 4/08/05 - EAA Model P 9mm pistol, Ser. No. EA02052
- (11) 4/09/05 - Smith and Wesson Model 5904 9mm pistol, Ser. No. TDD 4448
- (12) 4/12/05 - Kel Tec 9mm pistol, Ser. No. A1F60
- (13) 4/12/05 - Kel Tec 9mm pistol, Ser. No. A1F67
- (14) 4/12/05 - Smith & Wesson 9mm pistol, Ser. No. TES3665

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT NINETEEN

THE GRAND JURORS FURTHER CHARGE THAT:

On or about April 12, 2005, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**TYREE THOMAS,
a/k/a "Tyree Burno"
a/k/a "Nikeaue Davis"**

knowingly and intentionally possessed a mixture or substance containing a detectable amount of
cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 844(a).

_____A TRUE BILL:

_____GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY_____